UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,911	06/26/2001	Daniel R. Johnson	3034.1000-001	1408

21005 7590 07/09/2008

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

EXAMINER	
AKINTOLA, OLABODE	
ART UNIT	PAPER NUMBER
3691	

NOTIFICATION DATE	DELIVERY MODE
07/09/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Office Action Summary	Application No.	Applicant(s)	
	09/891,911	JOHNSON ET AL.	
	Examiner	Art Unit	
	OLABODE AKINTOLA	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,4-13,17,39 and 57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2,4-13,17,39 and 57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-8, 15, 18-19, 39 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable Robinson (U.S. Patent No. 6484152) (hereinafter referred to as Robinson) in view of Davis (U.S. Patent Application No. 20010049612) (hereinafter referred to as Davis) in view of Ryan et al (US 5655085) (hereinafter referred to as Ryan1).

Re Claims 39 and 57: Robinson teaches a method for execution by a data processor, the method comprising the steps of: providing a user interface for selecting two or more financial products for comparison as funding sources for a financial plan and each financial product having values corresponding to the set of attributes, (Col. 1, lines 45-50); retrieving the attribute values from a storage location for each of the selected financial products (col. 1, lines 54-60); querying a user through the user interface for weights to be assigned to each of the attributes (col. 6, lines 1-28); assigning the weights to the attributes (col. 6, lines 1-28, col. 7, line 1 through col. 8, line 15); for each attribute, multiplying the set of relative attribute scores by the assigned weight to provide scaled attributes scores; generating a weighted product overall score for each financial product by summing the scaled relative attribute scores associated with each financial product (col. 7, line 1 through col. 8, line 15); and presenting the weighted overall product scores to a user, the weighted product scores serving as a comparison of tradeoffs associated with each of the financial products (col. 7, line 1 through col. 8, line 15).

Robinson does not explicitly teach selecting a non-qualified supplemental benefits plan; dispersing the attributes values of the financial products across each attributes by a dispersion factor to generate a set of relative attributes; and selecting two or more life insurance policies. Official notice is hereby taken that concept of using a dispersion factor to disperse values and generate relative values at the discretion of a user is old and well known. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Robinson to include dispersion factor for scaling. One would have been motivated to do so in order to normalize the attributes.

In this instance, the Examiner has broadly interpreted the dispersion factor to assume the value of zero. Under this assumption, the adjusted minimum score is the same as minimum raw score, i.e., as per equation (1) and the adjusted maximum score is the same as the sum of the minimum raw score and the spread, i.e., as per equation (2), this sum also equals maximum raw score. In essence,

Adjusted minimum score = Minimum raw score

Adjusted maximum score = Minimum raw score + spread = Maximum raw score

Therefore, with this assumption, the dispersing step does not affect the functionality of the method steps.

Davis teaches selecting a non-qualified supplemental benefits plan (section [0031]). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Robinson to include selecting a non-qualified supplemental benefits plan as taught by Davis so that the user can decide on the best option. Ryan1 teaches comparing two or more life insurance policies (Abstract). It would have been obvious to one of ordinary skill in the art at the time f the invention to include policies comparison to make the system more flexible.

Re Claim 2: Robinson teaches the step comprising: changing the assigned weight for at least one of the attributes to compare financial tradeoffs (col. 7, line 1 through col. 8, line 15).

Re Claim 4: Robinson teaches the step comprising: populating one or more of the attributes for the financial products with grades from one or more financial databases, the databases providing

a comparative grade of financial strength of financial product carriers; and converting the grades into numeric values (col. 7, line 1 through col. 8, line 15).

Re Claims 5 and 6: Robinson teaches the step comprising: populating one or more of the attributes of the financial products with values from a financial product illustration system, the system projecting values of each of the financial products; and populating one or more of the attributes of the financial products with subjective scores from a user (col. 7, line 1 through col. 8, line 15).

Re Claims 7 and 8: Robinson teaches the step comprising: grouping the set of attributes into categories; and assigning a weight to each of the categories, wherein a summation of the weights of the attributes within a category is equal to the assigned weight of the category (col. 7, line 1 through col. 8, line 15).

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson in view of Davis in view of Ryan1 as applied to claims above, and further in view of Powers et al. (U.S. Patent No. 6684190) (hereinafter referred to as Powers)

Re claims 9-10: Robinson does not explicitly teach contractual features. Powers teaches contractual features (col. 2, lines 9-23). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Robinson to include contractual features as taught by Power as part of the selectable categories to allow for flexibility of the system.

Claims 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson in view of Davis in view of Ryan1 in view of Powers as applied to claims above, and further in view of Ryan et al. (U. S. Patent No. 5802500) (hereinafter referred to as Ryan2).

Re claim 11: Robinson does not expressly teach cash flow, discounted value and benefits after tax cash flow at discounted rate, internal rate of return and after tax considerations. However Shapiro teaches after tax consideration (paragraph 22).
Ryan2 teaches cash flow with discounted value, internal rate of return, after tax considerations; and corporate owned life insurance policy (col. 14, lines 9-55).
Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Robinson to include cash flow with discounted value, internal rate of return, after tax considerations as taught by Ryan2 make the system more efficient.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson in view of Shapiro in view of Powers as applied to claims above, and further in view of Detore et al. (U. S. Patent No. 4975840) (hereinafter referred to as Detore).
Re claim 13: Robinson does not expressly teach subjective assessment of an underwriting offer. Detore teaches subjective assessment of an underwriting offer (col. 10, lines 55-67; col. 11, lines 1-3). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nevo in combination with Powers to include subjective assessment of an

underwriting offer as taught by Detore so that the underwriting offer can be evaluated appropriately with respect to insurance coverage.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson in view of Davis in view of Ryan1 in view of Powers as applied to claims above, and further in view of Tyler et al. (U. S. Patent No. 5523942) (hereinafter referred to as Tyler).

Re claim 12: Power further teaches mortality charge and expense charge guarantees. Robinson and Power do not expressly teach de-MECing provisions. Tyler teaches de-MECing provisions (col. 45, lines 40-49). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Robinson to include de-MECing provisions as is commonly known in financial arts.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gatto (US 6681211) teaches the concept of retrieving the attribute values from a storage location for each of the selected analyst; querying a user through the user interface for weights to be assigned to each of the attributes; assigning the weights to the attributes; scaling the attribute

values of the analyst across each attribute by a dispersion factor to generate a set of relative attribute scores for each attribute, the set of each attribute scores for each attribute; generating a weighted product score for each analyst by the weights to the assigned attributes associated with each financial product; and presenting the weighted product scores to a user, the weighted product scores serving as a comparison of tradeoffs associated with each of the financial products (see col. 17, lines 48 through col. 19, line 48).

Kelly et al (US 5806042) (col. 8, lines 20-40) and Ryan et al (US 5839118) (col. 8, line 48 through col. 9, line 17) teach inputting of employee census data.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLABODE AKINTOLA whose telephone number is (571)272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691